

MARGIE L. RICE
Mayor

ANDY QUACH
Mayor Pro Tem

FRANK G. FRY
Council Member

KERMIT MARSH
Council Member

TRI TA
Council Member



AGENDA

CITY COUNCIL/REDEVELOPMENT AGENCY REGULAR MEETING

November 12, 2008

6:30 p.m. – Council Conference Room

7:00 p.m. – Council Chambers

**8200 WESTMINSTER BOULEVARD
WESTMINSTER, CALIFORNIA 92683**

If you need special assistance to participate in this meeting, please contact the City Clerk's office at (714) 898-3311. Notification of 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting. (28 CFR 35.102-35.104 American Disabilities Act Title II)

AGENDA INFORMATION

MEETINGS

Regular Meetings of the City Council/Redevelopment Agency are held the second and fourth Wednesday of each month at the hour of 6:00 p.m. (5:00 p.m. if deemed necessary) for Closed Session matters, if required. **The public session of the meeting shall commence at 7:00 p.m.** or as soon thereafter as possible.

While in the City Council Chamber, please *turn off* all cellular phones and pagers.

AGENDA INFORMATION

The agenda contains a brief general description of each item to be considered. Agendas are available at the entryway of the Council Chambers. Supporting documentation to each agenda item is available in the entryway for public review.

PUBLIC COMMENTS

Pursuant to Government Code Section 54954.3, members of the public may address the City Council/Redevelopment Agency/Public Financing Authority during each item on the agenda as called. Oral Communications is held after the Consent Calendar portion of the agenda and provides the public an opportunity to address any items of interest **not on the agenda** that are within the subject matter jurisdiction. NO action may be taken on items not listed on the agenda unless authorized by law. Comments shall be limited to three minutes per person.

To address the City Council/Redevelopment Agency on any matter, complete a "Request to Speak" form located at the entrance to the Council Chambers. Present the form to the City Clerk prior to being heard by the City Council. When speaking, please face the City Council and state your name and address for the record.

AGENDA ON THE INTERNET

The Agenda is available at <http://www.ci.westminster.ca.us>. The agenda can be accessed on the internet on the Friday before the meeting on Wednesday.

TELEVISED MEETING SCHEDULE

Regular City Council/Agency meetings are broadcast live on Westminster Cable Channel 3 and REBROADCAST on Monday and Friday at 11:00 a.m.; Tuesday, Wednesday and Thursday at 7:00 p.m.; Wednesday at 12 noon; and Saturday and Sunday at 6:00 p.m.

PUBLIC USE OF COUNCIL CHAMBER EQUIPMENT

All computer presentations must be e-mailed or provided on a CD-ROM to the City Clerk at least 48 hours prior to the meeting. Items to be displayed on the overhead projector must be submitted to the City Clerk for review prior to use of the equipment.

AGENDA

November 12, 2008

6:30 P.M.
CLOSED SESSION

PUBLIC COMMENTS MAY BE RECEIVED BY THE CITY COUNCIL/REDEVELOPMENT AGENCY
DURING ANY ITEM TO BE CONSIDERED IN CLOSED SESSION.

CALL TO ORDER:

ROLL CALL

PRESENT:

ABSENT:

CLOSED SESSION:

The City Council/Redevelopment Agency will recess to a Closed Session for the following purposes:

- 1) Conference with Real Property Negotiator pursuant to Government Code Section 54956.8: Property: 5400 Garden Grove Boulevard; Agency Negotiator: Executive Director Ray Silver and Assistant to the City Manager Tami Piscotty; Negotiating Party: Mellanie Ingle (Giant Inland Empire RV); Under Negotiation: Price and Terms of Payment.

RECESS:

AGENDA

November 12, 2008

7:00 P.M.

PUBLIC COMMENTS MAY BE RECEIVED BY THE CITY COUNCIL/REDEVELOPMENT AGENCY OR PUBLIC FINANCING AUTHORITY DURING EACH ITEM ON THE AGENDA AS CALLED.

The City Council/Redevelopment Agency of the City of Westminster will regularly convene in joint session for the purpose of considering the following City Council/Redevelopment Agency Agenda items. The Westminster Public Financing Authority is also an agency on which Council serves as members. This Agency may also have items scheduled.

RECONVENE CITY COUNCIL/REDEVELOPMENT AGENCY MEETING

ROLL CALL: RICE, QUACH, FRY, MARSH, TA

PRESENT:

ABSENT:

SALUTE TO FLAG: Council Member Fry

INVOCATION:

REPORT OUT OF CLOSED SESSION:

The City Attorney shall determine if any actions taken by the City Council/Redevelopment Agency in Closed Session shall require a reporting on those actions as required by law (Government Code 54957.1(a) (3) (B)).

SPECIAL PRESENTATIONS – None.

REPORT FROM CITY CLERK ON LATE COMMUNICATION ITEMS

NOTE: Any writings or documents provided to a majority of the City Council/Agency Board regarding any item on this agenda is available for public inspection at the public counter at City Hall located at 8200 Westminster Boulevard, Westminster, CA during normal business hours, except such documents that relate to closed session items or which are otherwise exempt from disclosure under applicable law. These writings are also available for review in the public access binder located in the entryway to the Council Chambers.

AGENDA

November 12, 2008

1. CONSENT CALENDAR

ALL MATTERS LISTED UNDER THE CONSENT CALENDAR ARE CONSIDERED ROUTINE AND WILL BE ENACTED BY ONE VOTE. THERE WILL BE NO SEPARATE DISCUSSION OF THESE ITEMS UNLESS MEMBERS OF THE CITY COUNCIL/REDEVELOPMENT AGENCY/PUBLIC FINANCING AUTHORITY, THE PUBLIC, OR STAFF REQUEST SPECIFIC ITEMS BE REMOVED FROM THE CONSENT CALENDAR FOR SEPARATE ACTION OR DISCUSSION.

COMPLETE THE ATTACHED GREEN FORM AND GIVE TO THE CITY CLERK PRIOR TO THE CONSENT CALENDAR PORTION OF THE AGENDA. WHEN YOUR NAME IS CALLED, PLEASE STEP TO THE PODIUM AT THAT TIME AND STATE YOUR NAME AND ADDRESS FOR THE RECORD.

APPROVAL OF MINUTES

1.1 (City Council/Redevelopment Agency) Minutes of the Regular Meetings of the City Council/Redevelopment Agency of September 10, 2008 and October 8, 2008. (Marian Contreras)

RECOMMENDATION: Approve.

ROUTINE MATTERS

1.2 **Claims Against The City** (Eddie Manfro)

RECOMMENDATION: Staff recommends the Mayor and City Council deny claims against the City from:

- a) Michael Tamaki in the amount of \$428.58
- b) Laura Gaddis in the amount of \$168.83
- c) Nicholas Mercurio in the amount of \$312.00
- d) Angel Rivera in the amount of \$1,200.00
- e) Michelle Hsieh in the amount of \$2,407.17

RECOMMENDATION: Receive and file.

1.3 **Approval of Donated Space Agreement with the County of Orange, Social Services Agency.** (Andy Hall)

RECOMMENDATION: Staff recommends that the Mayor and City Council approve the Donated Space Agreement with the County of Orange, Social Services Agency, and authorize the City Manager to execute the agreement on behalf of the City.

AGENDA

November 12, 2008

1. CONSENT CALENDAR (Continued)

1.4 Grant Funded Purchase of Office Furniture for the Little Saigon Police Substation. (Andy Hall)

RECOMMENDATION: Staff recommends that the Mayor and City Council approve an agreement with McMahan Business Interiors in the amount of \$36,500.00 for the purchase and installation of office furniture for the Little Saigon Police Substation, and authorize the City Manager to execute the agreement on behalf of the City.

1.5 (Agency) Owner Participation Agreement with Giant Inland Empire RV. (Tami Piscotty)

RECOMMENDATION: Staff recommends that the Chair and Agency Board approve the Owner Participation Agreement with Giant Inland Empire RV, a California corporation, dba Giant RV, and authorize the Chair to execute the Agreement on behalf of the Agency.

1.6 Nullify and Void Covenant and Agreement to Hold Property as One Parcel for Two Lots Located at 14181 Frances Street, Approximately 950' South of the Intersection of Westminster Boulevard and Rancho Road. (deferred from the October 22, 2008 meeting) (Marwan Youssef)

RECOMMENDATION: Staff recommends that the Mayor and City Council accept the subject document, and authorize the City Clerk to record the document with the County's Recorder's Office.

1.7 Easement Deed to Orange County Flood Control District for a Portion of Land located at the Southeast Corner of Hazard Avenue and Hoover Street. (Marwan Youssef)

RECOMMENDATION: Staff recommends that the Mayor and City Council authorize an Easement Deed for the subject location.

ORDINANCES (SECOND READING)/RESOLUTIONS

1.8 Ordinance No. 2435 - An Ordinance of the Mayor and City Council of the City of Westminster Amending Title 16 (Subdivisions) of the Westminster Municipal Code Establishing Requirements for Park Dedication In-Lieu Fees to be Paid Prior to Issuance of a Building Permit. (Doug McIsaac)

RECOMMENDATION: Staff recommends that the Mayor and City Council adopt Ordinance No. 2435 and waive further reading.

AGENDA

November 12, 2008

1. CONSENT CALENDAR (Continued)

ADMINISTRATIVE ITEMS

- 1.9 Fee Waiver Request from the Vietnamese American Pharmacy Student Association to Conduct a Medicare Part-D Outreach Event in the A/B Room of the Community Services Building on December 11, 2008 from 12:00 p.m. until 6:00 p.m. (Greg Johnson)**

RECOMMENDATION: Staff recommends that the Mayor and the City Council approve the fee waiver request as outlined in the fee waiver policy for use of City facilities by Community Groups/Non-Profit Organizations.

- 1.10 Fee Waiver Request from Boy Scouts and Girl Scouts for Use of the East/West Room at the Community Center. (Greg Johnson)**

RECOMMENDATION: Staff recommends that the Mayor and City Council approve the request for a Court of Honor event at the Community Center on Sunday, December 21, 2008 from 11 am-5 pm.

- 1.11 Fee Waiver Request from the American Cancer Society to Hold Their Monthly Meetings in the Craft Room of the Community Services Building Every Third Tuesday of the Month for Eight Months from 6:00 p.m. to 7:30 p.m. (Greg Johnson)**

RECOMMENDATION: Staff recommends that the Mayor and City Council approve the fee waiver request as outlined in the fee waiver policy for use of City facilities by Community Groups/Non-Profit Organizations.

WARRANT REGISTER

- 1.12 (City Council/Redevelopment Agency) Warrant Register dated October 15, 2008 through November 4, 2008. (Paul Espinoza)**

RECOMMENDATION: Approve.

INFORMATION AND REPORTS

- 1.13 Review of the January 30, 2008 issued Conditional Use Permit (Case No. 2007-71) Allowing the Sale and Consumption of Beer and Wine (Alcoholic Beverage Control Type 41 License) at an Existing Restaurant, Taco Grill, Located at 8481 Heil Avenue (Assessor's Parcel Number 107-511-01); Property Owner: Taihong Inc.; Applicant: Jorge M. Navarro. (Doug McIsaac)**

RECOMMENDATION: Staff recommends that the Mayor and City Council receive and file this report.

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1.14 Minutes of the Energy Committee Meeting held October 2, 2008.
(Doug McIsaac)

RECOMMENDATION: Receive and file.

1.15 Annual Financial Reports. (Paul Espinoza)

RECOMMENDATION: Staff recommends that the Mayor/Chair and City Council/Agency Board accept the financial reports for the fiscal year ending June 30, 2008.

1.16 Treasurer's Report – September 2008. (Paul Espinoza)

RECOMMENDATION: Receive and file.

1.17 Minutes of the Traffic Commission Meeting held on September 30, 2008.
(Marwan Youssef)

RECOMMENDATION: Receive and file.

END OF CONSENT CALENDAR

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2. ORAL COMMUNICATIONS

THIS IS THE TIME OF THE MEETING THAT MEMBERS OF THE PUBLIC MAY ADDRESS THE CITY COUNCIL/REDEVELOPMENT AGENCY REGARDING ANY ITEMS OF INTEREST NOT ON THE AGENDA THAT ARE WITHIN THE SUBJECT MATTER JURISDICTION OF THE CITY COUNCIL/AGENCY BOARD. COMMENTS SHALL BE LIMITED TO THREE MINUTES PER SPEAKER.

COMPLETE THE ATTACHED **GREEN** FORM AND GIVE IT TO THE CITY CLERK. WHEN YOUR NAME IS CALLED, PLEASE STEP TO THE PODIUM AT THAT TIME AND STATE YOUR NAME AND ADDRESS FOR THE RECORD.

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3. COMMISSION/COMMITTEE ITEMS SUBJECT TO REVIEW

3.1 The actions of the Planning Commission meeting, November 5, 2008.

RECOMMENDATION: That the City Council determine if they wish to call up any items for review from the Planning Commission meeting of November 5, 2008

- 1) 2006-56 Conditional Use Permit to establish and operate a used automobile, truck and recreational vehicle (RV) sales, leasing and rental business at 7185-7195 Westminster Boulevard.
- 2) 2008-15 Site Plan and Design Review to demolish an existing chapel and replace it with a new single story chapel building at Westminster Memorial Park located at 7801 Bolsa Avenue.
- 3) 2008-48 Conditional Use Permit, Site Plan, and Design Review to expand Magnolia Animal Hospital in order to accommodate a new boarding room, employee lounge, and an indoor kennel. Located at 16421 Magnolia Street.
- 4) 2008-19 Conditional Use Permit, Site Plan, and Design Review to review resolution memorializing the action of the Planning Commission approving a billboard adjacent to the San Diego Freeway on a property containing a self storage business (U-Store It). Located at 6491 Maple Avenue.
- 5) 2007-05 Conditional Use Permit 6 month review of an existing restaurant (L8 Restaurant) located at 15380 Beach Boulevard.

4. PUBLIC HEARINGS

ANYONE WISHING TO SPEAK ON AN OPEN PUBLIC HEARING IS REQUESTED TO COMPLETE THE ATTACHED PINK FORM AND GIVE IT TO THE CITY CLERK. WHEN YOUR NAME IS CALLED, PLEASE STEP TO THE PODIUM AT THAT TIME AND STATE YOUR NAME AND ADDRESS FOR THE RECORD.

AFTER THE PUBLIC HEARING IS OPENED, PERSONS SPEAKING IN FAVOR WILL BE HEARD FIRST, FOLLOWED BY THOSE PERSONS SPEAKING IN OPPOSITION; AND THEN PERSONS SPEAKING IN REBUTTAL. ONLY THOSE PERSONS WHO HAVE SPOKEN IN FAVOR WILL BE PERMITTED TO SPEAK IN REBUTTAL. SPOKESPERSON(S) DESIGNATED TO SPEAK IN FAVOR OR IN OPPOSITION WILL HAVE TWELVE (12) MINUTES TO SPEAK. THEREAFTER, EACH PERSON SPEAKING IN FAVOR OR IN OPPOSITION WILL HAVE THREE (3) MINUTES. THE TOTAL TIME FOR SPEAKING IN FAVOR OR IN OPPOSITION SHALL NOT EXCEED 30 MINUTES. THOSE PERSONS SPEAKING IN REBUTTAL WILL HAVE THREE MINUTES EACH, OR A TOTAL OF 20 MINUTES. THE CITY COUNCIL MAY USE ITS DISCRETION TO ALLOW A SPEAKER TO EXCEED TIME LIMITS.

NOTE: IF A CHALLENGE IS MADE BY ANY PARTY IN COURT FROM ACTIONS ARISING OUT OF A PUBLIC HEARING, YOU MAY BE LIMITED TO RAISING ONLY THOSE ISSUES YOU OR SOMEONE ELSE RAISED AT THE PUBLIC HEARING DESCRIBED IN THIS NOTICE OR IN WRITTEN CORRESPONDENCE DELIVERED AT THE PUBLIC HEARING OR PRIOR THERETO.

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- 4.1 (AGENCY/CITY) CASE NO 2008-19 – CONSIDERATION OF AN APPEAL BY THE MAYOR AND CITY COUNCIL OF THE PLANNING COMMISSION'S APPROVAL OF AN APPLICATION FOR A CONDITIONAL USE PERMIT, SITE PLAN AND DESIGN REVIEW TO ALLOW THE CONSTRUCTION OF A NEW BILLBOARD AT 6491 MAPLE AVENUE (ASSESSOR'S PARCEL NUMBER: 195-292-10); APPLICANT: WEALTHY VENTURES INC. DBA AVANT OUTDOOR ADVERTISING; PROPERTY OWNER: YSI XXVI L.P. (Douglas McIsaac)

Staff Report

Mayor/Chair and Council/Agency Discussion

Open Public Hearing

Applicant

Others Speaking in Favor

Speaking in Opposition

Speaking in Rebuttal (*only those who spoke in favor can speak in rebuttal*)

Close Public Hearing

Mayor/Chair and Council/Agency Member Comments

Council/Agency Action

RECOMMENDATION: Staff recommends that the **Chair and Agency Board** not grant consent for the placement of the proposed display within the boundaries of the Redevelopment Project, pursuant to the State of California, Department of Transportation's requirement that the Redevelopment Agency approve and certify such a location.

RECOMMENDATION: Staff recommends that the **Mayor and City Council** adopt Resolution No 4199 entitled: "A Resolution of the Mayor and City Council of the City of Westminster overturning the Planning Commission's decision thereby denying a Conditional Use Permit, Site Plan, and Design Review for a billboard sign, located at 6491 Maple Avenue (Assessor's Parcel Number: 195-292-10) (Case No. 2008-19)."

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4. PUBLIC HEARINGS (Continued)

- 4.2 CASE NO 2008-52 – CONSIDERATION OF AN APPEAL BY THE MAYOR AND CITY COUNCIL REGARDING THE PLANNING COMMISSION’S APPROVAL OF A REQUEST TO AMEND A CONDITIONAL USE PERMIT TO EXTEND THE HOURS OF OPERATION OF AN EXISTING RESTAURANT (CITRYST) FROM ITS CURRENT HOURS OF 11:00 AM TO 10:00 PM DAILY, TO 8:00 AM TO 12:00 MIDNIGHT DAILY WITH THE FURTHER CONDITION THAT THE SERVICE OF ALCOHOLIC BEVERAGES (BEER AND WINE) BE LIMITED TO THE HOURS OF 10:30 AM TO 11:00 PM. THE RESTAURANT IS LOCATED AT 15440 BROOKHURST STREET; APPLICANT: MY-DUNG (AMANDA) NGUYEN; PROPERTY OWNER: SBL PROFESSIONAL REALTY. (Art Bashmakian)

Staff Report

Mayor and City Council Discussion

Open Public Hearing

Applicant

Others Speaking in Favor

Speaking in Opposition

Speaking in Rebuttal (*only those who spoke in favor can speak in rebuttal*)

Close Public Hearing

Mayor and Council Member Comments

Council Action

RECOMMENDATION: Staff recommends that the Mayor and City Council adopt Resolution No 4200 entitled, “A Resolution of the Mayor and City Council of the City of Westminster upholding the Planning Commission’s approval of a request to amend a Conditional Use Permit to allow the restaurant to open at 8:00 AM and close at 12:00 Midnight daily with a condition of approval limiting the sale of beer and wine to between the hours of 10:30 AM and 11:00 PM daily at an existing restaurant (Citryst), with a Type 41 ABC license for on-sale of beer and wine, located at 15440 Brookhurst Street in an established commercial center”. (Case No. 2008-52).”

- 4.3 (CITY/AGENCY) JOINT PUBLIC HEARING OF THE CITY COUNCIL AND THE WESTMINSTER REDEVELOPMENT AGENCY TO CONSIDER THE ADOPTION OF RESOLUTIONS APPROVING THE AMENDMENT OF THE AGENCY’S 2004-09 IMPLEMENTATION PLAN TO INCLUDE THE “AFFORDABLE HOUSING STRATEGY AND TEN-YEAR HOUSING COMPLIANCE PLAN.” (Kathy Johnston)

Staff Report

Mayor/Chair and Council/Agency Member Discussion

Open Public Hearing

Speaking in Favor

Speaking in Opposition

Speaking in Rebuttal (*only those who spoke in favor can speak in rebuttal*)

Close Public Hearing

Mayor/Chair and Council/Agency Member Comments

Council/Agency Action

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4. PUBLIC HEARINGS (Continued)

4.3 (CITY/AGENCY) AMENDMENT OF THE AGENCY'S 2004-09 IMPLEMENTATION PLAN TO INCLUDE THE AFFORDABLE HOUSING STRATEGY AND TEN-YEAR HOUSING COMPLIANCE PLAN (CONTINUED)

RECOMMENDATION: Staff recommends that the **Mayor and City Council** adopt Resolution No. 4198, entitled: "A Resolution of the Mayor and City Council of the City of Westminster Approving the Affordable Housing Strategy and Ten-Year Compliance Plan for the City of Westminster"; and

RECOMMENDATION: Staff recommends that the **Chair and Agency Board** adopt Resolution No. 199, entitled: "A Resolution of the Westminster Redevelopment Agency Approving the Amendment of the 2004-09 Implementation Plan for the Westminster Commercial Redevelopment Project Area No. 1 to include the Affordable Housing Strategy and Ten-Year Housing Compliance Plan".

4.4 PROPOSED WATER SERVICE RATE INCREASE FOR FISCAL YEAR 2008-09. (Marwan Youssef)

Staff Report

Mayor and City Council Discussion

Open Public Hearing

Speaking in Favor

Speaking in Opposition

Speaking in Rebuttal (*only those who spoke in favor can speak in rebuttal*)

Close Public Hearing

Mayor and Council Member Comments

Council Action

RECOMMENDATION: Staff recommends that the Mayor and City Council adopt Resolution No. 4193 entitled, "A Resolution of the Mayor and City Council of the City of Westminster rescinding Resolution No. 4128 and adopting Administrative Rules and Regulations for the City Water System, Pursuant to the Municipal Code".

5. MATTERS FROM COUNCIL/AGENCY/AUTHORITY MEMBERS

5.1 Council/Agency Member Items

5.2 AB 1234 Reports

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6. MATTERS FROM CITY MANAGER/EXECUTIVE DIRECTOR

6.1 Holiday Decorating Contest – Judge. (Greg Johnson)

RECOMMENDATION: Staff recommends that the Mayor and City Council designate an appointee to serve as a judge for the Annual Holiday Decorating Contest scheduled for Monday, December 8, 2008 at 5:45 p.m.

6.2 (Agency) Amendment No. 1 to the Exclusive Negotiation Agreement with AMCAL Multi-Housing, Inc. for the Development of Affordable Workforce Housing Located at 280 Hospital Circle, (APN 096-251-017). (Kathy Johnston)

RECOMMENDATION: Staff recommends that the Chair and Agency Board:

- 1) Adopt Resolution No. 200 entitled "A Resolution of the Westminster Redevelopment Agency approving the terms and conditions, and authorizing the Executive Director to execute, Amendment No. 1 to the Exclusive Negotiation Agreement with AMCAL Multi-Housing, Inc." (attached as Exhibit A to the Resolution); and
- 2) Authorize the Executive Director to execute and implement Amendment No. 1 to the Exclusive Negotiation Agreement with AMCAL Multi-Housing, Inc.

6.3 (Agency) Westminster Redevelopment Agency Commercial Façade Improvement Program. (Chet Simmons)

RECOMMENDATION: Staff recommends that the Chair and Agency Board:

- 1) Approve the Westminster Redevelopment Agency Commercial Façade Improvement Program; and
- 2) Authorize the Executive Director to approve and execute the Commercial Façade Improvement grant applications on behalf of the Westminster Redevelopment Agency.

7. WRITTEN COMMUNICATIONS (Public) – None.

8. LEGISLATIVE ITEMS –None.

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9. COMMISSION AND COMMITTEE ITEMS

9.1 Request to Install Parking Restrictions at 13612 Milton Avenue – T. C. 80-112. (Marwan Youssef)

RECOMMENDATION: Staff recommends that the Mayor and City Council approve the recommendation of the Traffic Commission and adopt Resolution No. 4201 entitled, “A Resolution of the Mayor and City Council of the City of Westminster Providing for No Parking or Stopping at a Certain Location on the East Side of Milton Avenue, North of the End Curb Return at Milton Avenue and Westbridge Avenue.”

10. COUNCIL/AGENCY ADJOURNMENT:

DECLARATION: This agenda was posted on the Bulletin Board outside of the Council Chambers, where completely accessible to the public, at least 72 hours in advance of the City Council/Redevelopment Agency meeting.

Marian Contreras

Marian Contreras, City Clerk/Agency Secretary